

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

APR 12 2001

JAMES W. McCORMACK, CLERK
By: _____ DEP CLERK

ELLIS FOSTER, Individually, and on behalf of)
the ESTATE OF EDDIE BAGBY, JR.,)

Plaintiff,)

v.)

No. 4:99CV733 JWC

LARRY NORRIS, individually, and in his official)
capacity as Director of the Arkansas Department)
of Corrections as warden of the Wrightsville Unit,)
TOMMY ROCHELLE, individually, and in his)
official capacity as administrator at the boot camp,)
SGT. RICHARD WINTERS, individually, and in)
his capacity as drill instructor for the Wrightsville)
Unit, and SGT. JOHN BROADWAY, individually,)
and in his official capacity, Arkansas Department)
of Corrections,)

Defendants.)

**PLAINTIFF'S DESIGNATION OF MATERIALS RELIED UPON IN
OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Comes now the Plaintiff, by counsel, and designates the following materials being relied upon in their opposition to Defendants' Motion for Summary Judgment:

1. Deposition of John Broadway
2. Deposition of Tommy Rochelle
3. Deposition of Richard Winters
4. Deposition of Cyril Wecht, M.D.
5. Deposition of James Zimmerly, M.D.
6. Deposition of Woodhall Stopford, M.D.
7. Deposition of Mark Lester
8. Deposition of Leroy Walker

9. Deposition of Robert Wiley
10. Deposition of Rita Star
11. Deposition of Roderick Sterling
12. Deposition of Perry Bishop
13. Deposition of Harold Roberts
14. Deposition of Terrell Perry
15. Deposition of Don Cates
16. Deposition of John Byus
17. Deposition of Rebecca Johnston
18. Deposition of David Fort
19. Deposition of Aaron Theodore
20. Deposition of Jerry Bowling
21. Deposition of Steven Williams
22. Deposition of Larry Norris
23. Deposition of Clifford Terry
24. Deposition of Clay Sides
25. Deposition of Earl Matson
26. Deposition of Dr. Erickson
27. Emergency room records of Southwest Medical Hospital
28. Arkansas Administrative Regulation 888
29. Arkansas Administrative Directive 97-01 on the Use of Force
30. Arkansas Administrative Regulation 409 on Use of Force
31. Arkansas Administrative Directive 410 on the Use of Chemical Agents
32. Arkansas Administrative Regulation 225

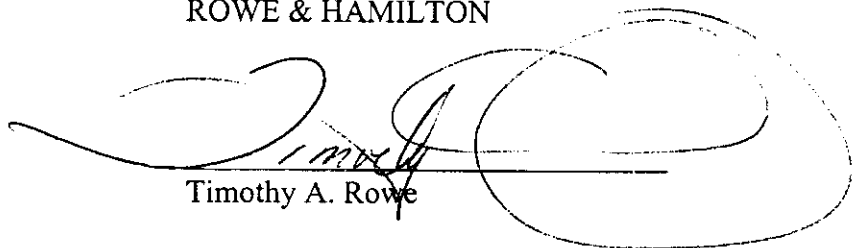
33. Eddie Bagby's Arkansas Department of Corrections file which includes his past medical history
34. Supplemental Affidavit of Dr. Woodhall Stopford
35. Medical records of Southwest Hospital
36. Ambulance records of Bagby
37. ADC medical records of Bagby
38. Supplemental affidavit of James Zimmerly, M.D.
39. ADC Cap-Stun Lesson Plan
40. Boot Camp Policy 34.91
41. Boot Camp Pepper Spray Policy 55.91
42. Complaint for Damages of the Plaintiff
43. Answer to Complaint for Damages by the Defendants
44. Request for Admission Responses of John Broadway
45. Request for Admission Responses of Tommy Rochelle
46. Amended Request for Admission Responses of Richard Winters
47. Request for Admission Responses of Larry Norris
48. Request for Admission Responses of Clifford Terry
49. Answers to Interrogatories of John Broadway
50. Answers to Interrogatories of Richard Winters
51. Answers to Interrogatories of Tommy Rochelle
52. Answers to Interrogatories of Larry Norris
53. Answers to Interrogatories of Clifford Terry
54. Arkansas State Police diagram
55. Critical Incident Review Report and attachments in file
56. Statement of Cherylene Resnick

- 57. Deposition of Cherylene Resnick
- 58. Deposition of Sgt. Ekenseair
- 59. Deposition of Tamara Reed
- 60. 005 Form - Pepper Spray Incident of August 31, 1998
- 61. 005 Forms – (Broadway and Bowling) - Pepper Spray Incident of March 4, 1998
- 62. All exhibits attached to any of the above depositions
- 63. 005 Form – Pepper Spray Incident March 9, 1999

The Plaintiff has filed with the court seven (7) volumes of bound records that set forth the above documents for its Designation of Materials Relied On in Opposition to Defendant's Motion.

Respectfully submitted,

ROWE & HAMILTON



Timothy A. Rowe

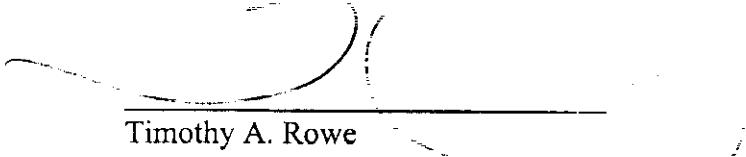
CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served by first class United States mail, postage prepaid, this 11th day of April, 2001, to the following:

Michelle Banks Odum
Arkansas Attorney General's Office
Catlett-Prien Tower Bldg.
323 Center Street, Suite 200
Little Rock, AR 72201-2610

Ralph Cloar, Jr.
Attorney at Law
1501 N. University, Suite 640
Little Rock, Arkansas 72207-5235

Pamela D. Brogdon
1014 West Third Street
Little Rock, AR 72201



Timothy A. Rowe

ROWE & HAMILTON
600 Victoria Centre
22 East Washington Street
Indianapolis, IN 46204
(317) 632-2524
Attorney No. 6554-49